

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>SHAWN L. WILLIAMS,</b>	)	
<b>Plaintiff,</b>	)	<b>C.A. No. 22-242 Johnstown</b>
	)	
<b>v.</b>	)	<b>District Judge Susan Paradise Baxter</b>
	)	<b>Chief Magistrate Judge Richard Lanzillo</b>
<b>CO II STEPHEN POBORSKY, et al.,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Shawn L. Williams, an inmate incarcerated at the State Correctional Institution at Benner Township in Bellefonte Pennsylvania (“SCI-Benner”), commenced this action by filing a *pro se* civil rights complaint accompanied by a motion for leave to proceed *in forma pauperis*, on December 19, 2022. Named as Defendants are ten staff members at the State Correctional Institution at Houtzdale, Pennsylvania (“SCI-Houtzdale”), where Plaintiff was previously incarcerated. In his complaint, Plaintiff alleges that Defendants harassed and retaliated against him in violation of his rights under the first, eighth, and fourteenth amendments to the United States Constitution. The case was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On December 15, 2023, Plaintiff filed a motion for preliminary injunction and/or temporary restraining order [ECF No. 40] complaining that Defendants’ “DOC colleagues and cohorts” at SCI-Benner confiscated his legal property and materials that were received from SCI-


Houtzdale after his transfer to SCI-Benner, and have refused to return it, “despite it being pertinent to plaintiff’s active legal cases and ability to effectively litigate his claims before this Court.” (ECF No. 42, Brief, at p. 1).

On January 2, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion for injunctive relief be denied because Plaintiff alleges facts and claims that are unrelated to any of the matters raised in the underlying complaint and seeks relief against those who are not named as Defendants in this case. [ECF No. 45]. No timely objections to the R&R have been filed.

Thus, after *de novo* review of the motion and relevant documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 20<sup>th</sup> day of February, 2024;

IT IS HEREBY ORDERED that Plaintiff’s motion for preliminary injunction and/or temporary restraining order [ECF No. 40], is DENIED. The report and recommendation of Chief Magistrate Judge Lanzillo, issued January 2, 2024 [ECF No. 45], is adopted as the opinion of the court.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief U.S. Magistrate Judge